

OGC Has Reviewed

00135-70-2670

29 June 1970

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MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Administrative Adoption of Death and Retiree
Travel Benefits for CSRS ParticipantsREFERENCE : Memo dtd 23 Jun 70 to DDS fr General Counsel
Subj: Administrative Adoption of Statutory Benefits

1. This memorandum is for your information.

2. By separate memorandum dated 29 June 1970, I am recommending you administratively adopt for CSRS participants the identical authority now applying to CIARDS participants respecting death and retirement travel, effective 30 June 1970. In discussing this matter with you on 25 June 1970, I mentioned that we have a sizeable number of people retiring this June under the CSRS. It would be proper and equitable for those among that group who plan to move upon retirement to a new location, as well as for future retirees under the CSRS, for the Agency to help defray the cost of shipping their household effects and transporting their families to the new point. As with retirees under the CIARDS, we would authorize payment of expenses to a point within the United States, its possessions or the Commonwealth of Puerto Rico.

3. We have examined our records of mandatory retirements and estimated the potential retirees (voluntary, discontinued service, disability, and death) under the CSRS with the following results:

June 1970	45
July 1970	65
August 1970 - June 1971	<u>250</u>
Total	360

4. We have reviewed our domestic move experience with retirees under the CIARDS over the past year with the following results:

No. who retired		159
No. who made a domestic move		38 (25%)
Average cost per move		\$1,500.00

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5. From the above we estimate that the additional cost to the Agency from June 1970 through June 1971 would be as follows:

No. CSRS retirees who will make domestic move	90
Average cost per move	\$ 1,500.00
Total estimated cost	\$135,000.00

SIGNED R. L. BANNERMAN

R. L. Bannerman
Deputy Director
for Support

D/SSA-DDS CWClaxon:kmg (29 Jun 70)

Distribution:

Orig & 1 - Addressee
2 - DDS *[Signature]*
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SSA/DDS #70-1335

OGC 70-1033

23 June 1970

MEMORANDUM FOR: Deputy Director for Support

SUBJECT: Administrative Adoption of Statutory
Benefits

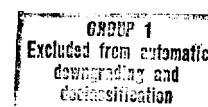
1. We understand that as a result of several cases which have recently arisen you are interested in our views as to the legality of extending certain benefits to a portion of the Agency employees who do not now have them.

2. As early as 1956 the Agency had adopted by administrative action statutory benefits available elsewhere in Government. There have been at least seven other similar adoptions since that time. In two situations, however, application of benefits was limited to participants in the Central Intelligence Agency Retirement and Disability System (CIARDS):

a. By memorandum of 30 April 1968 the Executive Director-Comptroller approved adoption of the Foreign Service travel and transportation authority for retirees (retiree travel benefits).

b. By memorandum of 21 May 1968 the Executive Director-Comptroller approved adoption of the Foreign Service travel and transportation authority in case of death of an employee (death travel benefits).

Prior to these two actions, all Agency personnel in the CIARDS or the Civil Service Retirement System (CSRS) who were stationed PCS abroad enjoyed substantially similar but not identical benefits.

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These actions gave the retiree and death travel benefits to CIARDS participants stationed PCS in the United States but did not extend the benefits to CSRS participants.

3. Available documents which have discussed the merits of extending retiree and death travel benefits to CSRS participants placed great weight on the fact that the CIARDS participants had met measurable standards which distinguished them from normal CSRS participants. It appears to us that this may not be a valid distinction, inasmuch as these benefits had previously been granted to both CIARDS and CSRS participants stationed PCS abroad; therefore, there is an apparent inequity in connection with employees who are stationed PCS in the United States. This is emphasized by the Agency policy that all employees are equally subject to assignment anywhere as determined by the Agency. The inequity may be demonstrated by a specific case:

25X1 An Office of Logistics employee died while assigned [redacted] The family wished to return to the Washington area and asked the Agency to return them and their household effects at Agency expense. It is our understanding that the Deputy Director for Support approved the family's request, apparently in recognition of the equities in the situation. Thereafter, the Travel Policy Committee studied the problem but nevertheless recommended that neither the death travel benefits nor the retiree travel benefits be extended beyond CIARDS participants.

4. By memorandum to the Director of Central Intelligence, dated 23 August 1967, the Office of Legislative Counsel and the Office of General Counsel recommended that the Director, . . . approve the principle that the Agency may adopt the administrative authorities (except salary) of the Foreign Service Act, as amended, or as it may hereafter be amended, or of any other laws when it is determined by the Executive Director-Comptroller to be necessary for the proper administration of all employees of the Agency.

The Director approved this recommendation.

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5. The Executive Director-Comptroller provided further guidance to the Deputy Director for Support concerning the review of existing Agency authorities by memorandum of 10 October 1967. Part of the guidance provided was as follows:

The principle involved is to make sure that the travel expenses, allowances and other fringe benefits provided to Agency employees are as favorable as those provided in existing laws or in laws hereafter enacted for other government employees in similar circumstances.

6. It would appear that action under these authorities to extend death and retiree travel benefits to CSRS participants would not differ from other actions already taken. Therefore, this office would have no legal objection to such an extension if it is deemed necessary for the proper administration of all employees of the Agency.



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LAWRENCE R. HOUSTON
General Counsel

cc: Director of Finance
Director of Personnel

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